

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL GARNER,)	
Petitioner)	
)	
v.)	C.A. No. 05-30035-MAP
)	
MICHAEL THOMPSON,)	
Respondent)	

MEMORANDUM AND ORDER RE:
PETITION FOR WRIT OF HABEAS CORPUS
(Docket No. 3)

February 23, 2006

PONSOR, D.J.

Petitioner seeks habeas relief following his conviction for unlawful possession of a firearm, and his sentencing pursuant to a Massachusetts enhanced sentencing scheme to a term of fifteen years imprisonment. For the reasons set forth in detail by the court orally following argument on February 22, 2006, the petition is hereby denied and is hereby ordered dismissed.

In brief, while the evidence might have provided fodder for debate, it was more than sufficient to justify the trial judge's conclusion, following a jury-waived trial, that the case against Petitioner had been proved beyond a reasonable doubt. Moreover, both the admission of documentation demonstrating the identity between Petitioner and the individual who had previously been convicted three times of serious drug offenses, as well as the evidence supporting the

identity between the individual appearing at the enhanced sentencing proceeding and the individual who had just been convicted of the underlying crime, were admissible and adequate to support the sentence. Based on this, Petitioner's attorney's conduct did not constitute ineffective assistance of counsel.

For the foregoing reasons the court has DENIED the petition and ordered it DISMISSED. The clerk is ordered to enter judgment for Respondent. This case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge